

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

LIVE WELL FINANCIAL INC.  
Plaintiff,

v.

CASE NO. 2017CA001326

GERDA M. GRAF AKA GERDA MARGARETE  
GRAF, et al.  
Defendants,

AMENDED FINAL JUDGMENT OF FORECLOSURE

**THIS ACTION** was heard before the Court on a Non-Jury Trial on June 20, 2018 and on the evidence presented and being otherwise duly advised in the premises,

**IT IS ORDERED AND ADJUDGED** that:

1. **Final Judgment.** There is no dispute of material facts and Plaintiff is entitled to entry of Final Judgment against Defendants, GERDA M. GRAF AKA GERDA MARGARETE GRAF, FLORIDA HOUSING FINANCE CORPORATION, NETTLES ISLAND, INC., and UNITED STATES OF AMERICA ACTING ON BEHALF OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

2. **Amounts Due.** Plaintiff, LIVE WELL FINANCIAL INC., c/o Celink 3900 Capitol City, Blvd. Lansing, MI 48906, is due:

Principal	\$123,177.07
Interest on the note and mortgage to this date of judgment	\$43,943.07
Title search expenses	\$200.00
Mortgage Insurance Premium	\$9,654.53
Servicing Fees	\$3,815.00
Taxes	\$1,377.41
Insurance premiums	\$6,939.25
Appraisals	\$375.00
Inspections	\$340.00

Attorneys' fees

Finding as to reasonable number of hours:

Finding as to reasonable hourly rate:

Other\*: Flat Fee: \$3,300.00

Trial Fees: \$1,750.00

Attorneys' fees total \$5,050.00

(\*The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

Court costs

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Filing fee	\$993.00
Service of Process	\$455.00
Subtotal	\$196,319.33
<b>TOTAL</b>	<b>\$196,319.33</b>

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing statutory rate of 5.72% per annum.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), (with the exception of any assessment that are superior pursuant to Section 718.116, or 720.3085, Florida Statutes) on the following described property in ST. LUCIE County, Florida:

**LOT NO. 131, SECTION I, IN THAT CERTAIN CONDOMINIUM KNOWN AS OUTDOOR RESORTS OF AMERICA AT NETTLES ISLAND, AS SHOWN BY THE PLAT RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 16, PAGE 1, 1A THROUGH 1J. TOGETHER WITH ALL THE TENEMENTS, HEREDITAMENTS AND APPURTENANCES THERETO BELONGING OR IN ANY WISE APPERTAINING, SUBJECT TO TERMS, CONDITIONS AND LIMITATIONS SET FORTH IN THE DECLARATION OF CONDOMINIUM, RECORDED IN OR BOOK 186, PAGE 2720, CIRCUIT COURT CLERK'S OFFICE, ST. LUCIE COUNTY, FLORIDA, AS AMENDED IN OR BOOK 192, PAGE 793-820, CIRCUIT COURT CLERK'S OFFICE, ST. LUCIE COUNTY, FLORIDA.**

**TOGETHER WITH A 2007 JACOBSEN MANUFACTURED HOME, BEARING SERIAL#: JACFL28658; TITLE#: 99178933**

**Property address: 2131 NETTLES BLVD, JENSEN BEACH, FL 34957**

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on October 23, 2018, to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at [www.stlucie.clerkauction.com](http://www.stlucie.clerkauction.com) beginning at 10:00 a.m. in accordance with section 45.031, Florida Statutes. **The public sale shall not be postponed or canceled without a court order. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain that all sale and clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and clerk fees will stop the sale. Additionally, the failure of Plaintiff's counsel to pay the sale fee and properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff. Any electronic sale by the clerk shall be in accordance with the written administrative policy for electronic sales published by the clerk at the official website for the clerk and posted in the public areas of the clerk's offices.**

6. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, plaintiff shall file an affidavit within 5 business days and

34407.0721

the clerk shall credit plaintiff's bid with the total sum with post-judgment interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The clerk shall receive the service charge imposed in Section 45.031, Florida Statutes.

7. **Distribution of Proceeds.** On filing the certificate of title, the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

8. **Right of Redemption.** On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

9. **Right of Possession.** Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any defendant or tenant remains in possession of the property, an Order Granting the Motion For Writ of Possession shall be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.561, Florida Statutes.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession, and such supplemental relief or judgment as may be appropriate.

11. **United States' Right of Redemption.** If the United States of America is a Defendant herein, it shall have the right of redemption provided by 28 U.S.C. §2410(c) for the period provided therein, running from the date of the issuance of the Certificate of Title herein and, if it is the purchaser at the foreclosure sale, it shall be allowed thirty (30) days to deliver a Treasury check to the Clerk of Court in payment of the amount of its bid. Further, the deposit required by Florida Statutes 45.021(2) shall be waived.

**IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

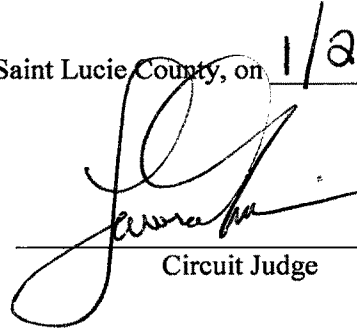
**IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, (INSERT INFORMATION FOR APPLICABLE COURT) WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.**

**IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU**

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UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT (INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER) TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT (FLRS-NAME OF LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Port Saint Lucie, Saint Lucie County, on 1/29, 2019 *nunc pro tunc* to June 20, 2018.

  
Circuit Judge

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